REMARKS

Applicant has carefully studied the outstanding Official Action. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant acknowledges the Examiner's request for the filing of an Information Disclosure Statement , which has been filed on March 23, 2001. As such, all information known under Rule 105 has been submitted.

The specification is objected to because of the incorporation of U.S. patent applications 09/053,949 and 09/675,568 by reference without including copies of those applications. Copies of the relevant applications are included with this amendment. Additionally, the Applicant has amended the Specification to correct an error in the application number.

Claims 1-15 stand rejected under 35 USC 101 as being not directed to statutory subject matter, in that independent claim 1 does not recite a useful, concrete and tangible result. Claim 1 has been amended to recite a useful and tangible result. Applicant has further amended claim 1 to more clearly define the present invention. Applicant has also amended claims 2, 10, 16 and 17 to more clearly define the present invention. Support for the amendments to the claims can be found in the Abstract, inter alia.

Applicant has added new claims 30-35 to further define the present invention. Support for the new claim 30 can be found in the abstract and the summary of the invention, especially paragraphs 14 and 15. Claims 31-35 are similar in scope to

claims 2, 6-7, 5 and 9, respectively. Support for claims 31-35 can be also found in the summary of the invention, especially in paragraph beginning on page 6, line 4.

Claims 1-15 stand rejected under 35 USC 102(e) as being clearly anticipated by Johnson (US 6,052,670). Claims 16-29 stand rejected under 35 USC 102(b) as being clearly anticipated by Herz et al. (US 5,754,939). Claims 1-8 stand rejected under 35 USC 103(a) as being unpatentable over Examiner's personal experience with advertising enabling electronic content as provided by cable television subscription and viewership.

Johnson describes an object oriented framework mechanism for an electronic catalog. Applicant respectfully submits that Johnson describes a framework for providing product information requested by a user to the user and does not show or suggest providing unsolicited advertising information together with electronic content as recited in amended claim 1.

The Examiner, from personal experience, describes a system and method for providing advertising content to cable TV subscribers. While the Examiner states "the independently claimed user right or restricted right is considered a right associated with a cable television subscription", the applicant respectfully disagrees. The user right described by the system of the Examiner's personal experience includes a right to view content, while the method of the present invention includes a right not to view the advertising content. The applicant respectfully submits that the system and method described by the Examiner does not show or suggest "providing advertising content together with freely distributed electronic content to a user, the method including ... electronic content having associated therewith a user right" as recited in amended claim 1.

Herz et al. describes a method for automatically selecting articles of interest to a user. After reviewing the method of Herz et al., the Applicant respectfully submits that nowhere in Herz et al. is the method of the present invention, as recited in claim 16, described. The Applicant notes the absence of specific citations from Herz et al. and is thus unable to provide a clearer differentiation to the Examiner of the present invention over the prior art described in Herz et al.

Applicant has amended claim 16 to more clearly define the present invention. Herz et al. does not show or suggest a method comprising "controlling the execution environment of said executable program ... including redirecting a call made by said executable program to access said electronic content to a control module" and "determining by said control module a user right to access said electronic content", inter alia, as recited in claim 16.

None of the prior art, either alone or in combination, shows or suggests a method including "providing advertising content together with freely distributed electronic content to a user" including "electronic content having associated therewith a user right" as recited in amended claim 1.

None of the prior art, either alone or in combination, shows or suggests a method including "controlling the execution environment of said executable program ... including redirecting a call made by said executable program to access said electronic content to a control module" and "determining by said control module a user right to access said electronic content", inter alia, as recited in amended claim 16.

None of the prior art, either alone or in combination, shows or suggests a method including "offering for sale to users, by or on behalf of said web site, a right

to use said electronic content free of being exposed to advertising material" and "providing said content to said user if said user has purchased said right, otherwise exposing said user to advertising material along with providing said content to said user", inter alia, as recited in claim 30.

With reference to the above discussion, independent claims 1, 16 and 30 are deemed patentable over the prior art of record and favorable reconsideration is respectfully requested. Claims 2-15 depend directly or ultimately from claim 1 and recite additional patentable subject matter and therefore are deemed patentable. Claims 17-29 depend directly or ultimately from claim 16 and recite additional patentable subject matter and therefore are deemed patentable. Claims 31-35 depend directly or ultimately from claim 30 and recite additional patentable subject matter and therefore are deemed patentable.

Applicant has carefully studied the remaining prior art of record herein and concludes that the invention as described and claimed in the present application is neither shown in nor suggested by the cited art.

Claims 1-29 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,285,985 or as being unpatentable over claims 1-17 of U.S. Patent No. 6,334,213. Claims 1-29 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of copending U.S. Patent Application Serial No. 09/675,568.

Terminal disclaimers are being filed concurrently herewith.

In view of the foregoing remarks, all of the claims are believed to be in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,

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